REMARKS

By the foregoing Amendment, claims 29-32, 49-54, and 63 have been canceled without prejudice or disclaimer, claims 1, 8, 11, 17, 23, 33, 37, 39, and 47 have been amended, and new claims 64-69 have been added. In view of the foregoing amendments and following remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections, and that they be withdrawn.

Information Disclosure Statement

Applicants have submitted an information disclosure statement under 37 C.F.R. §1.97(c) along with the present Response/Amendment. The submission of the information disclosure statement under 37 C.F.R. §1.97(c) as opposed to 37 C.F.R. §1.97(d) is based on Applicants' contention that the finality of the present Office Action should be withdrawn.

Rejections Under 35 U.S.C. §103

At paragraph 4 of the Office Action, the Examiner rejected claims 1-25, 29-54 and 63 as being unpatentable over Zank and U.S. Patent No. 6,363,485 to Adams et al ("Adams") in view of U.S. Patent No. 6,567,787 to Walker et al. ("Walker"). In general, Zank is directed to an electronic signature management system. As noted at cols. 6-7 of Zank, a document file that is accepted by a signer is processed by a hashing function in a generate signature key step to create a unique encryption key to encrypt a handwritten signature. A graphic tablet digitizer for signaling position coordinates of a stylus being moved is then used to capture the handwritten signature. After the signature is accepted receipts of the document and the signature are printed for delivery to the signer as a unique representation of both the document and the signature. Since the key for encryption is derived directly and uniquely from the document, a powerful link exists between the two. If the document is tampered with or changed in any way, a key derived

from the data will also have changed and the key will therefore be unable to properly decode the signature data. A signature is therefore bound to the document.

While Zank generally refers to concepts of biometrics and receipts, Zank does not disclose or suggest the application of biometrics to refund transactions in which prior purchase transactions are associated with the biometrics. Zank appears to refer only to an application to document security not refund transaction security.

In the rejection, the Examiner noted that Zank did not disclose first, second, and third biometric data. Adams was therefore introduced for the teaching of multi-factor biometric authentication, which appears to refer to a combination of distinct pieces of biometric data. This teaching is not applicable to Applicants' claimed invention, which describes the comparison of different biometric data.

Finally, while Walker does disclose the general notion of a refund transaction, Walker does not disclose or suggest the application of biometrics to refund transactions in which prior purchase transactions are associated with the biometrics.

For at least these reasons, Applicants submit that the combination of Zank, Adams and Walker does not present a *prima facie* case of obviousness. The rejection of claims 1-25 and 33-48 is therefore traversed.

By the above amendment, claims 29-32, 49-54 and 63 have been canceled without prejudice or disclaimer. The rejection of those claims is therefore rendered moot.
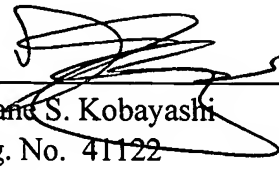
Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections, and that they be withdrawn. The Examiner is invited to telephone the undersigned representative if an interview might be useful for any reason.

Respectfully submitted,

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